

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE WORLD TRADE CENTER DISASTER
SITE LITIGATION

X : **SUMMARY ORDER DIRECTING**
FURTHER BRIEFING

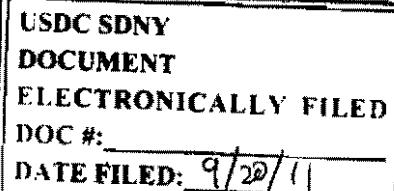
: 21 MC 100 (AKH)

IN RE LOWER MANHATTAN DISASTER
SITE LITIGATION

: 21 MC 102

: 21 MC 103

IN RE COMBINED WORLD TRADE CENTER
AND LOWER MANHATTAN DISASTER SITE
LITIGATION



X : ALVIN K. HELLERSTEIN, U.S.D.J.:

The City of New York has moved to dismiss the cases of 16 Plaintiffs who chose not to settle under the Settlement Process Agreement, As Amended ("SPA"). The City contends that, consistent with my previous order, Plaintiffs were required to provide "HIPAA compliant" medical-forms releases, and that the 16 Plaintiffs have failed to do so because the forms were signed not by them, but by their attorneys. See Transcript of Status Conference, In re World Trade Center Disaster Site Litig., 21 MC 100 (S.D.N.Y. March 22, 2011); Order Summarizing Status Conference and Setting Next Conference, In re World Trade Center Disaster Site Litig., 21 MC 100 (Doc. No. 2403) (S.D.N.Y. March 23, 2011). Plaintiffs' counsel claims the forms were signed pursuant to powers of attorney within letters of engagement, but also asks for time to provide forms signed by the clients.

By noon on September 27, 2011, Plaintiffs' counsel shall submit the form of letter of engagement signed by the 16 clients, or copies if they differ, and shall brief the issue whether counsel may, under the rules of professional responsibility, claim power of attorney pursuant to a

written letter of engagement to sign medical release forms on behalf of clients. Defendants may comment within 3 days thereafter, also by noon of that day.

SO ORDERED.

Dated: September 20, 2011
New York, New York



ALVIN K. HELLERSTEIN
United States District Judge